GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Revenue Department – Receipt of Form 'X' Claims for regularization of unregistered sale deeds (Sada Bainamas) throughout the State under Rule 22(2) of Andhra Pradesh Rights in Land & Pattadar Pass Books Rule, 1989 read with Section 5 (A) of A.P. Rights in Land & Pattadar Pass Books Act, 1971 – Further extension of time limit up to 31.12.2023 - One time measure - duly exempting from the payment of Stamp Duty and Registration fees in respect of Small and Marginal Farmers up to a maximum extent of Ac.5.00 cents of dry Land subject to certain conditions – Further instructions/guidelines - Issued

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Revenue (LANDS.I) Department

G.O.Ms.No.661 Dated:30 -09-2022
Read the following

1. G.O.Ms.No.826, Revenue (SS 1) Department. Dt. 01.07.2008.
2. G.O.Ms.No.1445, Revenue (SS 1) Department. Dt. 05.12.2008.
3. G.O.Ms.No.314, Revenue (Registration. II) Department. Dt. 12.06.13.
4. G.O. Ms. No.321 Revenue (EA & AR) Dept, Dt.:21-06-2018.
5. G.O. Ms. No. 440 Revenue (EA & AR) Dept, Dt.:21-08-2018.
6. G.O. Ms. No. 511 Revenue (EA & AR) Dept, Dt.: 10 10.2018.
7. Govt. Memo.27030/105/18 - Revenue (EA & AR) Dept, dt: 8.10.18.
8. G.O. Ms. No. 23 Revenue (Lands-1) Department Dated 31.01.2020.
9. Report of the High-Level Committee, Dated: 03.09.2021.
10. Minutes of the Steering & Implementation Committee of "YSR Jagananna Shaswatha Bhu Hakku mariyu Bhu Raksha". Dated: 01.12.2021.
11. G.O.Ms.No.633 Revenue (Lands.I) Department dt.16-09-2022

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ORDER:

In the reference 1st read above, Government have issued orders for regularization of certain alienation / transfers of land by issuing amendment to sub-rule (2) of rule 22 of A.P. Rights in Land & Pattadar Pass Books, Rules, 1989 read with Section 5(A) of A.P. Rights in Land & Pattadar Pass Books Act, 1971 and time limit was fixed for filing application in Form 'X' on or before 31.03.2008.

2. In the reference 2nd read above, Government have further extended time limit up to 28.02.2009 to receive Form 'X' claims.

3. In the reference 3rd read above, Government have issued orders considering the request to regularize the transactions taken place by unregistered sale deeds (Sada Binamas) under Bhu-Bharathi programme in respect of small and marginal farmers who are in actual (legal) physical possession in rural areas of Nizamabad district by exempting from the payment up to Rs.5,000/- towards stamp duty including transfer duty and Registration fee on certain conditions.

4. In the reference 4th read above, Government have issued orders permitting all District Collectors in the State to receive Form 'X' claims for regularization of un-registered sale deeds (Sada Bainamas) throughout the State as one time settlement duly exempting from payment of Stamp Duty and Registration fees and regularization of the same duly following provisions contained in Rule 22(2) of A.P. Rights in Land & Pattadar Pass Books, Rules 1989 read with Section 5(A) of A.P. Rights in Land & Pattadar Pass Books Act, 1971 in respect of small and marginal farmer up to a maximum extent of Ac. 5.00 cents of dry land subject to certain conditions.

5. In the references 5th to 7th read above, Government have further extended time limit several times and the last such extension being up to 31-05-2020 to receive Form 'X' claims.

PRESENT CONTEXT:

6. The Government have started the flagship programme of Resurvey, "YSR Jagananna Shaswatha Bhu Hakku mariyu Bhu Raksha". The main objective of this programme is to resurvey all lands in the State and to resolve all title related issues, to the extent possible and pave way for a conclusive title system. During the Resurvey programme, several applications are being received from holders of un-registered sale deeds (Sada Bainamas) for settlement of their rights. These applications cannot be redressed under existing provisions of the AP Rights in Land & Pattadar Passbooks Act, 1971 and Rules,1989 unless the time to receive their claims is extended.

7. In the reference 11th read above, Government with a view to regularize such claims in accordance with Rule 22(2) of A.P. Rights in Land & Pattadar Pass Books, Rules 1989 read with Section 5(A) of AP Rights in Land & Pattadar Pass Books Act, 1971, as an one time measure extended the time to file Form X claims up to 31-12-2023 and the date of transfers and alienations eligible for regularization to 01.11.2021.

8. In this regard, Government hereby issue the following instructions:

1. Competent Authority

The Alienee/Transferee shall file the application before the Tahsildar having jurisdiction before the cut-of date.

2. Applicability:

The regularization process shall be applicable only in cases of agricultural lands located in rural areas.

3. Non-applicability:

This order shall not be applicable to

a. Such land alienations or land transfers, which are made in contravention of the provisions of the Act specified in the proviso to sub-section (2) of section 5-A of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971.

b. Government land & Assigned land.

c. Shall not be applicable for the transfers of land pertaining to land located in the area of any Municipal Corporations, Municipalities and Nagar Panchayats in the state.

4. Stamp Duty including Transfer duty and Registration fee:

a) Small and Marginal Farmers: Claims preferred by Small and Marginal Farmers (up to a maximum extent of Ac.5.00 cents of dry land/Ac. 2.50 cents of wet land), shall be exempted from payment of Stamp Duty including transfer duty and registration fees.

b) In all other cases, requisite Stamp duty and Registration fees, based on present market value, shall be collected before regularization.

Explanation:-

i) Small farmer means a person having agricultural land upto 2.5 Acres of Wet or 5 Acres of dry Land.

ii) Marginal farmer means a person having Agricultural land up to 1.25 Acres of Wet or 2.5 Acres of dry Land.

iii) To determine whether a farmer is a Small/Marginal farmer, his total holding, including the extent covered by the present application in Form –X, is to be considered. Further, one acre of wet land may be treated as equal to two acres of dry land while assessing eligibility of a farmer to be classified as Small/Marginal farmer.

5. Possession of Land necessary:

The Alienee/Transferee/Applicant making a application under Form X shall be mandatory be in physical possession of the land applied for such regularization.

6. Determination of possession

Possession may be determined based on any of the following:

a) Claimant/Applicant making an application is recorded as Occupant/ Enjoyer in Adangal as per Rule 22 (1).

b) In case no such record is forthcoming, his/her claim can be considered for regularization, by examining other evidences like Cist receipts and Statement from surrounding Ryots, Panchanama and E-crop booking etc.

Explanation:

In the previous instances, it is observed that a number of such applications have been rejected on ground that the applicant is unable to produce suffient documentary possession of being in occupation and possession.

c) Tahsildars may use documents from other Mandal level officers as corroborative evidence. An illustrative list is given below:

From Mandal Agriculture Officer: The utilization of fertilizers, seeds, pesticides, Crop Subsidy & insurance claimed by the applicant, grant of PM Kisan - YSR Rythu Bharosa money, Crop booking particulars and CCRC cards, etc.

From AE Irrigation: Water User Associations records.

From APM DRDA: Rythu Bharosa records, YSR Sunna Vaddi for farmers & Paddy Procurement Center particulars.

From MPDO: Various schemes viz. MGNREGS and other schemes availed by the claimant related to Agriculture.

d) In cases where no documentary evidence is available for proving possession of applicant, local field enquiry from neighbouring farmers and registered holders shall be the final and conclusive test of determining actual and physical possession of the land sought to be regularized. Such local enquiry shall be sufficient and no other documentary evidence need be insisted.

7. **NO REJECTION WITHOUT LOCAL ENQUIRY WITH NEIGHBOURING FARMERS**:

(1) No case shall be rejected without conducting local enquiry with neighbouring farmers by the Tahsildar concerned, to determine possession. The Local enquiry shall mean issuing notices to neighbouring ryots and recording their statements on the appointed date, regard the aspect of possession.

(2) In addition to the grounds set on in 7 (1) as above, the claims shall not be rejected on the following grounds:

a) Lack of documentary evidence for possession and occupation,

b) Absence of neighbouring farmer(s) during local enquiry,

c) Refusal of neighbouring farmer(s) to sign on enquiry/ statement report,

d) Non conduct of enquiry due to request for postponement of such enquiry by others (than applicant),

e) Non conduct of enquiry due to request for postponement of such enquiry by the neighbouring farmer(s),

f) Absence of the applicant on the appointed day and time of such local enquiry,

Explanation:

Depending on the genuinity of such postponement requests, the enquiry shall not be postponed ordinarily by more than one week, taking into account all such possible rising postponement requests. It is also clarified that such postponement may be considered by the enquiry officer only once. In all such cases of postponement, the enquiry officer shall notify the reasons for such postponement and the next date of enquiry in writing within one day from such postponement to the applicant/alienee and neighbouring farmer(s) duly obtaining proper acknowledgement. In all such cases, where the postponement is on the request of the neighbouring farmer(s), the mere fact of their absence during the next date & time of enquiry shall not form a ground for rejection of application.

However, if the applicant requests for postponement/ is unable to turn up for the said local enquiry, the enquiry officer shall sympathetically adjourn the date and time of enquiry in due consultation with the applicant and neighbouring farmer(s), which, however shall not be later than ten days from the date and time fixed for local enquiry initially.

g) Objection raised by neighbouring farmer(s), other villagers etc., to acceptance of such claim,

Explanation:

Mere objections, either oral or written, without any proof of transfer of ownership through unregistered documents and possession, shall not be a ground for rejection/non acceptance of the claim.

In case, objection to acceptance of claim is made with evidence, it shall be decided on the date and time of enquiry, with available documents, records and or findings in local enquiry, following a summary enquiry procedure without any further postponement of enquiry.

h) Mismatch of Survey Number/Sub-Division i.e., the Survey number of the land in the enjoyment of the applicant is different from that of the Survey number recorded in the unregistered document/any other proof or document submitted/other corroborative evidence as detailed in the explanation at para VII (Determination of possession).

i) Arrears/Dues payable to the Government are not settled against the land for which regularization application is made.

j) On other technical grounds such as clerical errors in names, house hold name, Village name, Mandal name, Prints/Writing on the documentary evidence, typographical errors and such others shall not be a ground for rejection.

8. RECEIPT OF APPLICATION PROCEDURE:

1. The concerned Tahsildar shall invite the applications from applicants desirous of requlrizing unregistered sale deeds by giving wide publicity through beat of tom tom/Electronic and Print Media.

2. Application shall be filed by the Applicant at Meeseva Centre/Grama Sachivalayam/Ward Sachivalayam.

3. The alienee or transferee shall file an application in Form-X along with such fee as prescribed on or before 31.12.2023 on the notification issued by the Tahsildar either at Meeseva Center or at Village/Ward Secretariat.

9. DISPOSAL OF APPLICATIONS:

a) All Tahsildars in the State shall dispose all existing applications filed for regularisation of Sada Bainamas ONLY IN THE FIRST IN FIRST OUT MODEL WITHOUT EXCEPTION.

b) All Sada Bainama applications shall be disposed within 30 days from the date of receipt of application.

Explanation:

Disposal shall mean giving a final order of acceptance or otherwise on the request under Form X. Without such final order, the application will be considered as pending.

c) The Tahsildar will file the unregistered papers (originals only) with the subRegistrar concerned after thorough enquiry as per procedure under the Record of Rights Act.,

d) The concerned Sub-Registrar will verify and determine the Stamp Duty, Transfer Duty and Registration Fee amount to be collected for each transaction and send to the Tahsildar concerned.

e) The Tahsildar will collect the balance amount from the concerned Small and Marginal farmers and remit the amount to Government through the challan to the relevant Head of Account.

f) The Challan and relevant papers will be handed over to the Sub-Registrar for registration.

g) The Tahsildar will issue certificate and hand over all papers to the concerned ryots.

9. The Spl. CS & CCLA, A.P./All the District Collectors in the state shall take further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

G. SAI PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT (FAC)

To
The Commissioner of Printing & Stationery (Printing Wing), Vijayawada with a Request to publish in the Andhra Pradesh Gazette and supply 100 copies of the same.
The Special Chief Secretary & Chief Commissioner of Land Administration, A.P., APIIC Towers, Mangalagiri, Guntur District.
The Commissioner, Survey Settlement & Land Records, AP, Vijayawada.
All Departments of Secretariat.
All District Collectors.

Copy to:
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The OSD to Minister (Rev.)
The OSD to C.S.
The P.S. to Spl. C.S, Revenue (Lands).
All Land Sections in Revenue Department
SF/SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER